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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/585,093

06/30/2006

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4208-35

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23117

7590

06/23/2009

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EXAMINER

CATTUNGAL, AJAY P

ART UNIT

PAPER NUMBER

2419

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/585,093	<b>Applicant(s)</b> SIMONSSON ET AL.	
	<b>Examiner</b> AJAY P. CATTUNGAL	<b>Art Unit</b> 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 20 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 21-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/30/06, 05/15/09</u> .                                      | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on March 26, 2009 has been fully considered but are not deemed persuasive.

- Claims 1, 3-19 and 21-29 have been amended.
- Claims 2 and 20 are cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to claim 1-4, 6, 14, 17-22, 26, 28 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claim 1, 3-4, 6, 14, 17-19, 21-22, 26, 28 rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Balogh et al. (2004/0254926 A1).

Re claim 1, 19, 18, Ilas et al. discloses a method for transmitting data packets over a local area network, utilizing transmittal protocol packets including a header; which includes an address field; and a data field, the method comprising: transmitting the transmittal protocol packet (Col 2 lines 21-35), using a broadcast or group address in the header of the transmittal protocol, and attaching an individual address to each data packet in the data field (See Fig13 Col 2 lines 21-28 and Col 23 Lines 15-20 teaches of more than 2 data packets from more than 2 users in one speech packet sent to more than 2 users. This would be a equivalent to group addressing/multicasting) . Ilas et al. does not disclose a method of collecting and inserting several data packets from several users active on the local area network into the data field of a transmittal protocol packet. However Balogh et al discloses a method of collecting and inserting several data packets from several users active on the local area network into the data field of a transmittal protocol packet (Para 29 lines 1-7). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the multiple user packet in one data packet in a local area network method of Balogh et al. with the MAC protocol of Ilas et al in order to provide an efficient transmission scheme.

Re claim 3, 21, note that Ilas et al. discloses a method, further comprising

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arranging the individual addresses in the header of the transmittal protocol (Col 3 lines 65-66).

Re claim 4, note that Ilas et al. discloses a method, wherein the transmittal protocol is a MAC protocol (Col 1 lines 60).

Re claim 6, note that Ilas et al. discloses a method, wherein the data packets comprises speech packets (Col 2 line 21).

Re claim 14, 28, note that Balogh et al. discloses a method, wherein the local area network is wireless (Col 29 lines 1-7).

Re claim 17, note that Ilas et al. discloses a method, further comprising: receiving the transmittal protocol packet, identifying the address of the header of the transmittal protocol packet, and if correct, collecting at least one of the data packets in the data field of the transmittal protocol packet (Col 3 line 65-Col 4 line 6).

Re claim 21, note that Ilas et al. discloses a method of arranging the individual addresses(routing information) in the header(header)of the transmittal protocol (Col3 Lines 65-66).

Re claim 22, note that Ilas et al. discloses a method, wherein the transmittal protocol is a MAC protocol and the data packets include speech packets (Col 1 lines 21-25).

Re claim 26, note that Ilas et al. discloses a method, Re claim 26, Ilas et al. discloses a method of receiving data packets transmitted, identifying the address (Routing information) of the header of the transmittal protocol packet, and, collecting at

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least one of the data packets (Receipt of packets to be acknowledged) in the data field of the transmittal protocol packet (Col 3, line 65 - Col 4, line 6).

Re claim 27, Ilas et al. discloses a system for handling data packets on a local area network, utilizing transmittal protocol packets including a header, which includes an address field; and a data field, means for transmitting the transmittal protocol packet, means for associating an inserted data packet with an individual address (Col 3 line 65-Col 4 line 6), means for receiving the transmittal protocol packet, means for identifying the address of the header of the transmittal protocol packet (Col 4 lines 41-50), wherein the address is a broadcast or multicast address for all active users (See Fig 13 Col 2 lines 21-28 and Col 23 Lines 15-20 teaches of more than 2 data packets from more than 2 users in one speech packet sent to more than 2 users. This would be a equivalent to group addressing/multicasting), and means for collecting at least one of the data packets in the data field of the transmittal protocol packet (Col 14 lines 55-60). Ilas et al. does not disclose a system, comprising means for collecting and inserting several data packets from several users active on the local area network into the data field of a transmittal protocol packet. However Balogh et al. disclose a system, comprising means for collecting and inserting several data packets from several users active on the local area network into the data field of a transmittal protocol packet (Para 29 lines 1-7). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the multiple user packet in one data packet in a local area network method of Balogh et al. with the MAC protocol of Ilas et al in order to provide an efficient transmission scheme.

5. Claim 5, 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Balogh et al. (2004/0254926 A1) in further view of Kermani et al.(5,661,727)

Re claim 5, 23, Ilas et al. in view of Balogh et al discloses the claimed invention as set forth in claim 4 above. Ilas et al in view of Balogh et al does not disclose a method in that the MAC protocol is a Carrier Sense Multiple Access protocol. However Kermani et al. teaches a method in that the MAC protocol is a Carrier Sense Multiple Access protocol (Col 2 lines 42-44). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the Carrier Sense Multiple Access Protocol of Kermani et al. with the MAC protocol of Ilas et al in view of Balogh et al in order to provide an efficient transmission scheme.

6. Claim 7-9, 11, 12, 24, 25, 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Balogh et al. (2004/0254926 A1) modified by Hofmann et al. (US 6,757,796).

Re claim 7, Ilas et al in view of Balogh et al. discloses the claimed invention as set forth in claim 1 above. Ilas et al in view of Balogh et al. does not disclose a method of storing a number of data packets before insertion into the data field. However Hoffmann et al. teaches a method of storing (store) a number of data packets before insertion into the data field (Col 6 lines 17-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the storing of data

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packets method of Hofmann et al. with the speech transmission method of Ilas et al. in view of Balogh et al. in order to better support the broadcast of data over network systems.

Re claim 8, Note that Hofmann et al discloses a method of storing data packets collected within a defined time interval (Col6 lines 17-24).

Re claim 9, Note that Hofmann et al discloses a method of storing a defined number of data packets (Col6 lines 17-24).

Re claim 11, Note that Ilas et al. discloses a method of storing data packets (data packets) from several active users (at least two users) in individual buffers connected to individual inputs of a time multiplex unit (TDMA frame)(Col2 lines 21-28).

Re claim 12, Note that Ilas et al. discloses a method of storing data packets from a defined number of active users (Col 2 lines 21-28).

Re claim 24, Ilas et al in view of Balogh et al. discloses the claimed invention as set forth in claim 19 above. Ilas et al in view of Balogh et al. does not disclose a method of storing a number of data packets before insertion into the data field. However Hoffmann et al. teaches a method of storing (store) a number of data packets before insertion into the data field (Col 6 lines 17-24). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the storing of data packets method of Hofmann et al. with the speech transmission method of Ilas et al. in view of Balogh et al. in order to better support the broadcast of data over network systems.



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Re claim 25, Note that Ilas et al discloses a method of storing data packets (data packets) from several active users (at least two users) in individual buffers connected to individual inputs of a time multiplex unit (TDMA frame)(Col2 lines 21-28).

Re claim 29, Note that Ilas et al. discloses a method that the collection is performed in an access point (base station) (Col 5, lines 12-15).

7. Claim 10 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Balogh et al. (2004/0254926 A1) modified by Hofmann et al. (US 6,757,796), as set forth in claim 7 above, and in further view of Guha et al (5,699,369).

Re claim 10, Ilas et al. in view of Balogh et al. modified by Hofmann et al. discloses the claimed invention as set forth in claim 7 above. Ilas et al. in view of Balogh et al. modified by Hofmann et al does not disclose a method of storing data packets to fill up a defined data field size. However Guha et al discloses a method of storing data packets filling up a defined data field size (Col 1 lines 50 -53). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the fixed length data field of Guha et al with the storage unit of Ilas et al in view of Balogh et al. modified by Hofmann et al in order to better support the broadcast of data over network systems.

Re claim 15, Note that Ilas et al. discloses a method that the collection is performed in an access point (base station) (Col 5, lines 12-15).

8. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al. (US 7,248,571) in view of Balogh et al. (2004/0254926 A1) modified by Hofmann et

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al. (US 6,757,796), as set forth in claim 8 above, and in further view of Rudd et al (US 2003/0134661).

Re claim 13, Ilas et al. in view of Balogh et al. modified by Hofmann et al. discloses the claimed invention as set forth in claim 8 above. Ilas et al. in view of Balogh et al. modified by Hofmann et al does not disclose a method of forwarding multiplexed data packets to a packetizing unit for insertion into the data field. However Rudd et al discloses a method of forwarding multiplexed data packets to a packetizing unit for insertion into the data field (Para 19, lines 17-23). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the packetizing unit of Rudd et al with the storage unit of Ilas et al in view of Balogh et al. modified by Hofmann et al in order to better support the broadcast of data over network systems.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ilas et al.

(US 7,248,571) in view of Balogh et al. (2004/0254926 A1) in further view of Lewen et al. (5,341,374).

Re claim 16, Ilas et al in view of Balogh et al. discloses the claimed invention as set forth in claim 1 above. Ilas et al in view of Balogh et al. does not disclose a method that the transmittal protocol containing data packets from several users is given transmission priority. However Lewen et al discloses a method that the transmittal protocol containing data packets from several users is given transmission priority (Col 11, lines 31-35). It would have been obvious to one having ordinary skill in the art at the time of the invention to use the prioritizing method of Leven et al.

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with the transmitting of data packets of Ilas et al in view of Balogh et al. in order to transmit speech packets over the network with minimum delay.

***Conclusion***

1. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY P. CATTUNGAL whose telephone number is (571)270-7525. The examiner can normally be reached on Monday- Friday 7:30 - 5:00, Alternating Fridays OFF.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571-272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. C./  
Examiner, Art Unit 2419

/Pankaj Kumar/  
Supervisory Patent Examiner, Art Unit 2419